

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

(1) JAMES MURRAY WILLINGHAM, JR.,
a/k/a "Junior"

DOCKET NO. 3:17-cr-00276-RJC-DSC

FACTUAL BASIS

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. On or about December 31, 2016, the defendant, JAMES MURRAY WILLINGHAM, JR., a/k/a "Junior," knowingly executed a scheme and artifice to obtain the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.

2. As part of the above-referenced scheme and artifice, WILLINGHAM submitted auto loan documents containing one or more material false or fraudulent pretenses, representations, or promises to Farm Bureau Bank. For example, WILLINGHAM falsely represented himself to be identity theft victim T.H. and completed the loan documentation using T.H.'s name, Social Security Number, date of birth, and other identifying information.

3. At all times relevant to WILLINGHAM's conduct, Farm Bureau Bank was financial institution whose deposits were insured by the Federal Deposit Insurance Corporation.

4. As a result of the above-described false and fraudulent pretenses, representations, and promises, WILLINGHAM obtained from Farm Bureau Bank an auto loan in the amount of \$25,750.00 in identity theft victim T.H.'s name. WILLINGHAM used these funds to purchase a 2012 Mercedes-Benz E-Class sedan from an auto dealership located in Mecklenburg County, within the Western District.

5. During and in relation to the conduct described in paragraphs 1-4, WILLINGHAM knowingly used the means of identification of T.H., whom WILLINGHAM knew to be a real person, including among others, T.H.'s name, Social Security Number, and date of birth.


6. WILLINGHAM used T.H.'s means of identification without lawful authority.

R. ANDREW MURRAY
UNITED STATES ATTORNEY


DALLAS J. KAPLAN
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Superseding Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Superseding Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.


Denzil H. Forrester, Attorney for Defendant

DATED: 2-02-2018